IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

MACA.No. 753 OF 2004()

OPMV.806/2000 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR
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APPELLANT/PETITIONER

LAZAR, S/O.OUSEPH, RESIDING AT
THOMMANA HOUSE, MANNEMPETTA, THRISSUR DISTRICT.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SMT.M.R.VALSA
SMT.G.GEETHISHA

RESPONDENTS: RESPONDENTS
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1. T.C.SUKUMARAN, S/O.CHATHAPPAN,
RESIDING AT THOPPIL HOUSE, ALOOR P.O.,
CHALAKUDY, THRISSUR DISTRICT.

2. THE UNITED INDIA INSURANCE COMPANY
LIMITED, BRANCH ALANGADAN BUILDINGS,
TANA, IRINJALAKUDA, THRISSUR DISTRICT.

BY ADV. SRI.MATHEWS JACOB

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 19/03/2007, ALONG WITH MACA NO. 721 OF 2004 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & ANTONY DOMINIC, JJ.

M.A.C.A.NO. 753 OF 2004

DATED THIS, THE 19TH DAY OF MARCH, 2007.

J U D G M E N T

Raman, J.

This appeal is filed by the claimant in O.P.(MV) 806/2000 on the file of the Motor Accidents Claims Tribunal, Thrissur. The above said petition was disposed of by the Tribunal by a common award dated 26.7.2003 since there were other claim petitions pertaining to the same accident. This appeal is filed seeking enhancement of compensation.

2. The appellant was the driver of the auto rickshaw involved in the accident mentioned in the common award. We have noticed that though the doctor had certified 24% disability, since the doctor was not examined, the Tribunal fixed the disability at 15% and based on that it worked out the loss of earning power. According to us, the fixation of disability at 15% is too low considering the injuries suffered by the appellant which have also been mentioned by the Tribunal in para 17 of its award. Taking into account the nature of the injury sustained by the appellant, we fix the disability at 18% and applying 16 as the multiplier, we quantify the

compensation payable to the appellant towards loss of earning power at Rs. 72,000/- as against Rs.67,500/- already awarded by the Tribunal.

3. Further, we have also noticed that the appellant has not been awarded any compensation towards future medical expenses. It is seen that the appellant had suffered severe injuries and was hospitalized for a considerable period. In view of all these, we are inclined to award a compensation of Rs. 5,000/- towards future medical expenses.

Hence, we award an amount of Rs.9,500/- in addition to what has been awarded by the Tribunal towards compensation. This amount will also carry interest at the rate of 7% per annum from the date of petition till realization. The award will stand modified as above.

P.R. RAMAN,
(JUDGE)

ANTONY DOMINIC,
(JUDGE)

knc/-